

PRE-APPEAL BRIEF REQUEST FOR REVIEWDocket Number
22950-08898

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on October 15, 2007Signature /Jie Zhang/Typed or printed
nameJie Zhang

Application Number

10/785,382

Filed

February 23, 2004

First Named Inventor

Justin T. Nguyen

Art Unit

3622

Examiner

Alvarez, Raquel

This request is being filed with a notice of appeal.

I am the

☐

applicant/inventor.

/Jie Zhang/

Signature

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.

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Registration number if acting under 37 CFR 1.34 _____

October 15, 2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒*Total of 1 of 1 form is submitted.

ATTACHMENT TO THE PRE-APPEAL BRIEF REQUEST FOR REVIEW

Pre-appeal review is requested because the rejections in the June 14, 2007 Final Office Action (hereinafter “Office Action”)¹ are clearly improper and without any factual or legal basis. Applicants respectfully request that the Panel indicate claims 1-25 and 52-68 recite allowable subject matter.

I. Status of the Claims

Claims 1-25 and 52-68 are pending and stand rejected. Claims 1-25 and 52-68 are rejected under 35 USC § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,960,406 to Rasansky et al. (“Rasansky”) in view of “Leukemia Society: Cocktail party to benefit Linsey Smith --- 10 year old Leukemia patient” in Business Wire (“Leukemia Society”).

II. Rejection of independent claims 1, 60, and 68 in view of Rasansky and Leukemia Society

The claimed invention is an event planning process (and corresponding computer program product) that enables users to plan an event using a computer network. The process provides a user interface for users to plan events, provides invitations of the events to invitees, and receives responses from the invitees. The process may require payment of RSVP fees in the invitations as specified by users, and receive and verify payment information of the RSVP fees.

Specifically, independent claim 1 recites:

receiving RSVP status information including payment information from said
invitee; and
verifying said payment information.

Independent claims 60 and 68 recite similar features. Receiving and verifying payment information is advantageous because it allows users to monitor RSVP fees payments.

¹ Applicants submit that no claims were amended in the Response filed April 5, 2007. The Examiner relied on a new ground of rejection using newly cited Leukemia Society reference not cited in an IDS submitted by Applicants. Therefore, Applicants submit that the Office Action should not be made final.

The cited references, Rasansky and Leukemia Society, either alone or in combination, fail to disclose the claimed invention. Rasansky discloses a computer system for scheduling events between end users. See Rasansky, Abstract. The Rasansky system does not include any payment system to receive or confirm payment information.

The Examiner acknowledged that Rasansky fails to disclose “requiring RSVP fees to attend said scheduled event and an affirmative response to said invitation requires a payment as defined by said RSVP fees.” Applicants submit that Rasansky is also totally silent as to the claimed limitations of “receiving RSVP status information including payment information from said invitee; and verifying said payment information.”

Th Leukemia Society reference also fails to teach the claimed limitations not disclosed in Rasansky. The Leukemia Society reference is merely an invitation to attend a cocktail party with a note of “Donation: Admission Fee of \$10.” The Leukemia Society reference is totally silent as to receiving and verifying payment information from invitees.

Likewise, the combination of Rasansky and Leukemia Society references also fails to disclose or suggest the claimed features cited above. As discussed above, the above claimed feature is not disclosed in either reference. However, even if the two references were combined, at best the combination provides a system and method for scheduling events between end users of a computer system, such that the event description can include donation or admission fee information. This is not what Applicants claim. This is not an event planning process that provides to an invitee an invitation that indicates RSVP fees and solicits a response, wherein an affirmative response requires a payment of the RSVP fees, receives RSVP status information including payment information from the invitee, and verifies the payment information.

Accordingly, Applicants respectfully submit that a person of ordinary skill in the art

would not find the elements of claims 1, 60, and 68 obvious in view of the cited references.

III. Rejection of dependent claims 11-13, 17, 20-23, 25, 52-59, 61-63, 65, and 66 in view of Rasansky and Leukemia Society

The Examiner improperly combined the rejection of dependent claims 11-13, 22, 25, 52-59, 61-63, 65, and 66 with the rejection of independent claims 1 and 60. See Office Action at page 2 and MPEP 2142. Each of these dependent claims recites unique additional limitations not disclosed or suggested by the cited references. For example, dependent claim 12 recites “prompting the user to specify a question for said invitee” and “said invitation Web page is further operative to provide invitation response graphical user interface components enabling said invitee to provide a response to said question.” The Examiner rejected these dependent claims without providing support for rejections of their additional limitations.

Similarly, the Examiner improperly rejected dependent claims 17, 20, 21, and 23 without providing sufficient support. The Examiner rejected these claims together with dependent claim 2-4, 67, and independent claim 68, and cited “Home Page 350” in Rasansky for support of the rejection. See Office Action at page 3. Dependent claims 17, 20, 21, and 23 recite additional limitations not disclosed by the “Home Page 350” and the rest of the cited references. For example, claim 17 recites “prompting the user to indicate whether said invitee may forward said invitation to other people.” The welcome home page 350 in Rasansky is a webpage for users to access an “Appointnet web site”. See FIG. 2A and col. 12, line 66-col. 13, line 16. It is not disclosed or suggested that users may be prompted to indicate whether invitees of an event may forward invitation of an event to other people.

Accordingly, Applicants respectfully submit that a person of ordinary skill in the art would not find the elements of dependent claims 11-13, 17, 20-23, 25, 52-59, 61-63, 65, and 66 obvious in view of the cited references.

IV. Rejection of dependent claims 6, 8, 10, 14-16, 18, 19, and 64 under 35 USC 103(a) in view of Rasansky, Leukemia Society, and Official Notice

The Examiner rejected dependent claims 6, 8, 10, 14-16, 18, 19, and 64 under 35 USC 103(a) in view of Rasansky, Leukemia Society, and Official Notice. Applicants object to the Official Notice in a Response filed April 5, 2007 (Response) under MPEP 2144.03A (Improper “to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.”). The Examiner noted that “applicant needs to provide a proper challenge that would at least cast reasonable doubt on the fact taken notice of. See MPEP 2144.03 where In re Boon is mentioned.” See Office Action, Response to Arguments at page 7.

Applicants respectfully submit that the claimed invention is not merely sending a post card with URL for invitation web page (claim 6), providing and using invitation templates to generate an invitation web page (claim 8), prompting users to indicate whether scheduled event should be listed in a public event and providing a link to the invitation web page (claim 10), an invitation web page that enables invitees to view RSVP status information (claim 14) or post messages regarding the event (claim 15) and specify that only a user planning the event may view the posted messages (claim 16), prompting the user to indicate ticket pricing and determining convenience fees (claim 18), prompting the user to indicate sources of convenient fee payments (claim 19), and ticket discount information associated with membership discount and early response discount (claim 64). Rather, the claims recite an event planning process (and corresponding computer program product) executed by a server system on a computer network that provides a user interface enabling a user to plan an event, provides invitations of the event and solicits responses including RSVP fees payment, in addition to the above-listed features. Such processes and products were not capable of instant and unquestionable demonstration as

being well known prior to the priority date of the present application. The relevant time period occurred more than 8 years ago, and one cannot simply step back in time and assert that these aspects of the claimed invention are well known without documentary support. Therefore, Applicants respectfully submit that the above Official Notices are improper under MPEP 2144.03A and challenge the rejections under MPEP 2144.03C.

V. Rejection of dependent claim 24

The Examiner indicated in paragraph 2 of the Office Action that claim 24, along with the rest claims, is rejected under 35 USC § 103(a) as allegedly being unpatentable over Rasansky and Leukemia Society references. However, the Examiner failed to provide support of the rejection, despite Applicants' request in the Response under MPEP 2141.

Accordingly, Applicants respectfully submit that a person of ordinary skill in the art would not find the elements of dependent claim 24 obvious in view of the cited references.

VI. Summary

Based on the foregoing, Applicants respectfully submit that each of the pending rejections suffers from a clear deficiency. Accordingly, Applicants request that the § 103 rejections of claims 1-25 and 52-68 be withdrawn.

Respectfully Submitted,
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